



S/N 10/645,873

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Aaron Golle et al.

Examiner: Jason Han

Serial No.: 10/645,873

Group Art Unit: 2875

Filed: August 21, 2003

Docket: 1748.001US1

Title: HIGH VISIBILITY SAFETY SIGN

DECLARATION UNDER 37C.F.R.1.132

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

1. I, John T. Golle, am a named inventor of the subject matter claimed in the above-identified U.S. Patent Application.

2. I have read and understood the Office Action issued in the above-identified application dated May 18, 2005.

3. I submit this Declaration under 37 C.F.R. 1.132 in order to demonstrate that the recitations of the claims in the Application do in fact make the claims non-obvious over the cited references in a manner sufficient to satisfy the requirements of 35 U.S.C.103(a).

4. My experience qualifies me to give an opinion as to the matters stated below, including the routine skill in the art of safety signs. I am Chief Executive Officer, of Safe Lites, LLC, a manufacturer of lighted safety products.

5. I submit that Safe Lites products utilizing EL lighting to convey a safety message, such as the Slow Moving Vehicle (SMV) sign are not obvious in view of the Kintsler reference (US Patent No. 5,005,306). The Kintsler reference appears to show EL signs for displaying advertising material or the like. Conveying a safety message is not an obvious variation of advertising signs. In support of non-obviousness, the following evidence of commercial success is presented.

6. I submit as evidence, newly passed legislation by the state of Minnesota (Exhibit A - MN State Statute File 140, Article 3, Section 48). Safe Lites, LLC has worked with the state of MN for over two years in testing and perfecting our SMV sign. After showing it to various department heads and the person in charge of legislative affairs, it was decided the SMV sign was such an improvement over the "old" SMV sign that the DOT decided to promote the change of the state's statute covering the SMV emblem. That legislation was passed into law this past

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7. I also submit as evidence, some examples of third party endorsements that Safe Lites products have received. The Kansas Farm Bureau has enthusiastically endorsed Safe Lites products such as the BrightZone™ Safety Sign. The attached brochure (Exhibit B) promotes the sign as "revolutionary." Additionally, I recently had a conversation with Darrin Drollinger, VP of Technical & Safety Services for the Association of Equipment Manufacturers. AEM represents about 95% of all manufacturers of equipment servicing the agriculture, mining, construction, and forestry industries in the US. He is starting to promote the SMV sign amongst its members declaring to me, "You have certainly come up with a better mouse trap that will better protect our members. I'm impressed." I also recently spoke with Mr. Drollinger's assistant, who told me that "He keeps it illuminated in his office to show everyone."

8. For the above reasons, it is my considered and informed belief that the claimed invention is not obvious over the Kintler reference.

9. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

9/15/05

  
John V. Golle

## EXHIBIT A

Sec. 48. Minnesota Statutes 2004, section 169.522, is amended to read:

169.522 [SLOW-MOVING VEHICLE, SIGN REQUIRED.]

Subdivision 1. [DISPLAYING EMBLEM; RULES.] (a) All animal-drawn vehicles, motorized golf carts when operated on designated roadways pursuant to section 169.045, implements of husbandry, and other machinery, including all road construction machinery, which are designed for operation at a speed of 30 miles per hour or less ~~shall~~, must display a triangular slow-moving vehicle emblem, except (1) when being used in

actual

construction and maintenance work and traveling within the limits of a construction area ~~which is~~ marked in accordance

with

~~requirements of~~ the Manual on Uniform Traffic Control Devices, as set forth in section 169.06, or (2) for a towed implement of husbandry that is empty and that is not self-propelled, in

which

case it may be towed at lawful speeds greater than 30 miles per hour without removing the slow-moving vehicle emblem. The emblem ~~shall must~~ consist of a fluorescent ~~yellow-orange or illuminated red-orange~~ triangle with a dark red reflective border and be mounted so as to be visible from a distance of

not

less than 600 feet to the rear. When a primary power unit towing an implement of husbandry or other machinery displays a slow-moving vehicle emblem visible from a distance of 600 feet to the rear, it ~~shall is~~ not be necessary to display a similar emblem on the secondary unit. ~~After January 1, 1975, All~~ slow-moving vehicle emblems sold in this state ~~shall must~~ be so designed that when properly mounted they are visible from a distance of not less than 600 feet to the rear when directly in front of lawful lower beam of headlamps on a motor vehicle.

The

commissioner of public safety shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem. Such standards and specifications ~~shall must~~ be adopted by rule in accordance with the Administrative Procedure Act. ~~A violation of this section shall not be admissible evidence in any civil cause of action arising prior to January 1, 1970.~~

(b) An alternate slow-moving vehicle emblem consisting of a dull black triangle with a white reflective border may be used after obtaining a permit from the commissioner under rules of the commissioner. A person with a permit to use an alternate slow-moving vehicle emblem must:

(1) carry in the vehicle a regular slow-moving vehicle emblem and display the emblem when operating a vehicle between sunset and sunrise, and at any other time when visibility is impaired by weather, smoke, fog, or other conditions; and

(2) permanently affix to the rear of the slow-moving vehicle at least 72 square inches of reflective tape that reflects the color red.

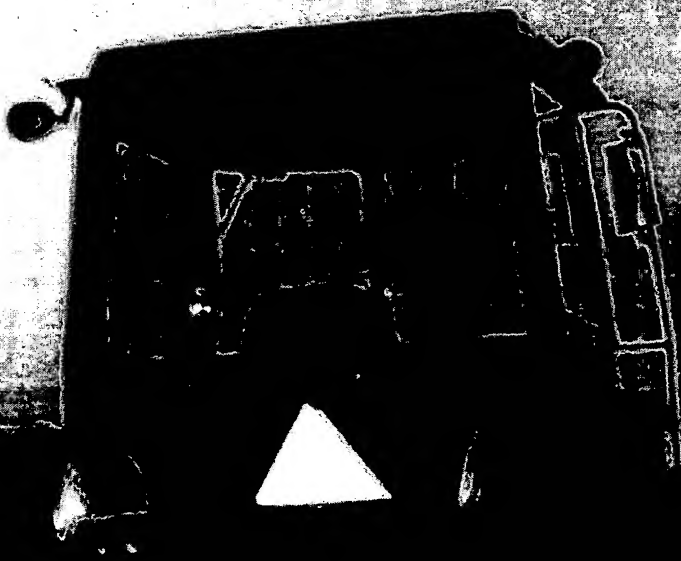
Subd. 2. [PROHIBITION ON USE.] The use of this emblem ~~shall be is~~ restricted to the slow-moving vehicles specified in subdivision 1 and its use on any other type of vehicle or stationary object on the highway is prohibited.

## EXHIBIT A

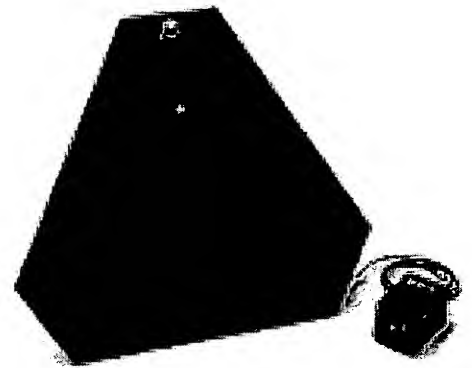
Subd. 3. [DISPLAY REQUIRED.] No person shall sell, lease, rent, or operate any slow-moving vehicle, as defined in subdivision 1, except motorized golf carts and except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after July 1, 1967, unless ~~such~~ the vehicle is equipped with a slow-moving vehicle emblem-mounting device as specified in subdivision 1. Provided however, ~~no~~ a slow-moving vehicle ~~shall~~ must not be operated without such slow-moving vehicle emblem ~~after January 1, 1968.~~

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Be Seen. Be Safe with BrightZone™ Safety Signs.



**Introducing a NEW  
Farm Bureau member  
benefit that helps keep  
you SAFE and SAVES  
you money!**



Kansas Farm Bureau has teamed up with Safe Lites, LLC to offer members a special discount on the revolutionary BrightZone™ Safety Sign.

**As a Farm Bureau member, you receive the exclusive member price of only \$99 each. That's over 30% off the MSRP of \$145!**

BrightZone™ signs are unique and innovative safety signs that offer a major improvement over current reflective sign standards.

**Be Seen Further, Better.** BrightZone™ utilizes GlowSkin™ technology, that creates its own light source. These signs are visible from greater distances, from any angle, to provide superior visibility in challenging weather conditions such as fog, smoke, dust, rain and snow.

BrightZone™ signs make it easier for motorists to gauge distance, speed and shapes, which can result in fewer accidents and better protection of your machine operators and equipment.

To learn how to get your BrightZone™ signs, contact your county Farm Bureau office or Kansas Farm Bureau Member Services at 785-587-6000.



**SAFE LITES**  
ALWAYS BE SEEN™



**KANSAS FARM BUREAU**  
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